

**A SUBSTITUTE ORDINANCE
BY CITY UTILITIES COMMITTEE**

07-O-1469

AN ORDINANCE TO ABANDON A PORTION GRANDVIEW AVENUE N.W., LOCATED BETWEEN BURTZ STREET AND PEYTON ROAD. CONSISTING OF APPROXIMATELY .244 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of Grandview Avenue N.W. [described in Exhibit "A" hereof and hereafter referred to as "Grandview Avenue"]; and

WHEREAS, the abandoned portion of Grandview Avenue N.W. will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the applicant is improving the unimproved right-of-way described in Exhibits "B" and "C"; and

WHEREAS, the applicant is also realigning an angled right-of-way of the existing street which will improve visibility and increase the safety for the travelling public; and

WHEREAS, the applicant will dedicate the realigned street to the City of Atlanta as described in Exhibits "B" and "C"; and

WHEREAS, the actions of the applicant in improving and realigning the right of way provides a safer street, is financially advantageous to the City, and far outweighs the fair market value of the right-of-way involved; and

WHEREAS, the Commissioner of the Department of Public Works recommends the waiver of the payment to the City of the fair market value.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS as follows:

Section 1. That the portion of Grandview Avenue, N.W. located between Burtz Street and the Peyton Road, being more specifically described in the attached Exhibit "A" lying and being in Land Lot 252 of the 17th District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2. That the City hereby expresses its intent to abandon Grandview Avenue N.W. as described in the attached Exhibit "A" and incorporated here by reference.

Section 3. That the requirement of the payment of the fair market value is hereby waived.

Section 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 5. That all costs associated with the advertising shall be charged to and paid from Account Number 3P02 491102 M22F03349999.

Section 6. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 7. The applicant shall improve, realign and dedicate to the City of Atlanta the rights-of-way described in Exhibits "B" and "C".

Section 8. That the Mayor be and is hereby authorized to execute a quitclaim deed to conveying any interest that the city may have in the above-described portion of said street [herein described in Exhibit "A"].

Section 9. That the date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

Section 10. That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

EXHIBIT B

LEGAL DESCRIPTION

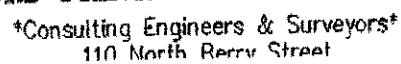
For Grandview Avenue
Proposed Right-of-Way
Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND laying and being in Land Lot 252 of the 17th District of City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

COMMENCING at a point, being the intersection of westerly Right-of-Way of Hollywood Road, and northerly Right-of-Way of Burtz Street, thence going North 88 degrees 12 minutes 02 seconds West a distance of 390.60 feet; to a point set as POINT OF BEGGINING; thence North 88 degrees 12 minutes 02 seconds West a distance of 40.01 feet to a point; thence North 3 degrees 18 minutes 49 seconds East a distance of 260.37 feet to a point; thence South 86 degrees 26 minutes 36 seconds East a distance of 40.00 feet to a point; thence South 03 degrees 18 minutes 49 seconds West a distance of 259.14 to a point being the POINT OF BEGINNING.

Said tract contains 0.239 acres as shown on Exhibit "B" prepared by Estes Shields Engineering, Inc.

MAGNETIC



**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

07-0-1469

AN ORDINANCE TO ABANDON A PORTION GRANDVIEW AVENUE N.W., LOCATED BETWEEN BURTZ STREET AND PEYTON ROAD. CONSISTING OF APPROXIMATELY .244 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of Grandview Avenue N.W. [described in Exhibit "A" hereof and hereafter referred to as "Grandview Avenue; and

WHEREAS, the abandoned portion of Grandview Avenue N.W. will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS as follows:

Section 1. That the portion of Grandview Avenue, N.W. located between Burtz Street and the Peyton Road, being more specifically described in the attached Exhibit "A" lying and being in Land Lot 252 of the 17th District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2. That the City hereby expresses its intent to abandon Grandview Avenue N.W. (as hereinabove defined).

Section 3. That the abutting property owners have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Grandview Avenue N.W.

Section 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 5. That the Chief Procurement is hereby directed to have prepared an appraisal to determine its fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6. That all costs associated with the advertising and the appraisal report shall be charged to and paid from Account Number 3P02 491102 M22F03349999.

Section 7. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 8. That the Mayor be and is hereby authorized to execute a quitclaim deed to conveying any interest that the city may have in the above-described portion of said street [herein described in Exhibit "A"].

Section 9. That the date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

Section 10. That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

LEGAL DESCRIPTION

For Grandview Avenue
Existing Right-of-Way
Exhibit "A"

ALL THAT TRACT OR PARCEL OF LAND laying and being in Land Lot 252 of the 17th District of City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

COMMENCING at a point, being the intersection of westerly Right-of-Way of Hollywood Road, and northerly Right-of-Way of Burtz Street, thence going North 88 degrees 12 minutes 02 seconds West a distance of 486.20 feet; to a point set as POINT OF BEGINNING; thence North 88 degrees 44 minutes 49 seconds West a distance of 41.56 feet to a point; thence North 22 degrees 20 minutes 20 seconds East a distance of 185.06 feet to a point; thence North 22 degrees 20 minutes 20 seconds East a distance of 93.51 feet to a point; thence North 86 degrees 26 minutes 36 seconds East a distance of 40.00 feet to a point; thence South 22 degrees 08 minutes 59 seconds West a distance of 276.50 feet to a point being the POINT OF BEGINNING.

Said tract contains 0.244 acres as shown on Exhibit "A" prepared by Estes Shields Engineering, Inc.

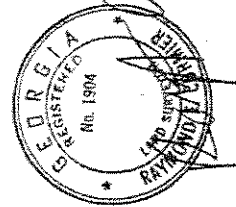
INSTRUMENT USED:
Nikon DTM-520 TOTAL STATION
NO PORTION OF THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD
AREA AS INDICATED BY F.L.A. OFFICIAL FLOOD HAZARD MAP
PANEL # 1321002ME DATE 6/22/98

- LEGEND
- P.O.B. POINT OF BEGINNING
 - P.O.R. POINT OF REFERENCE
 - I.P.S. 1/2" IRON PIN SET
 - G.H.P. OVERHEAD POWER LINE
 - P.P. POWER POLE
 - L.L. LAND LOT LINE
 - C.T.P. CRAMP TOP POLE
 - I.P.F. 1/2" IRON PIN FOUND
 - C.L. CENTER LINE
 - LOT NUMBER
 - WM WATER METER
 - GUY WIRE

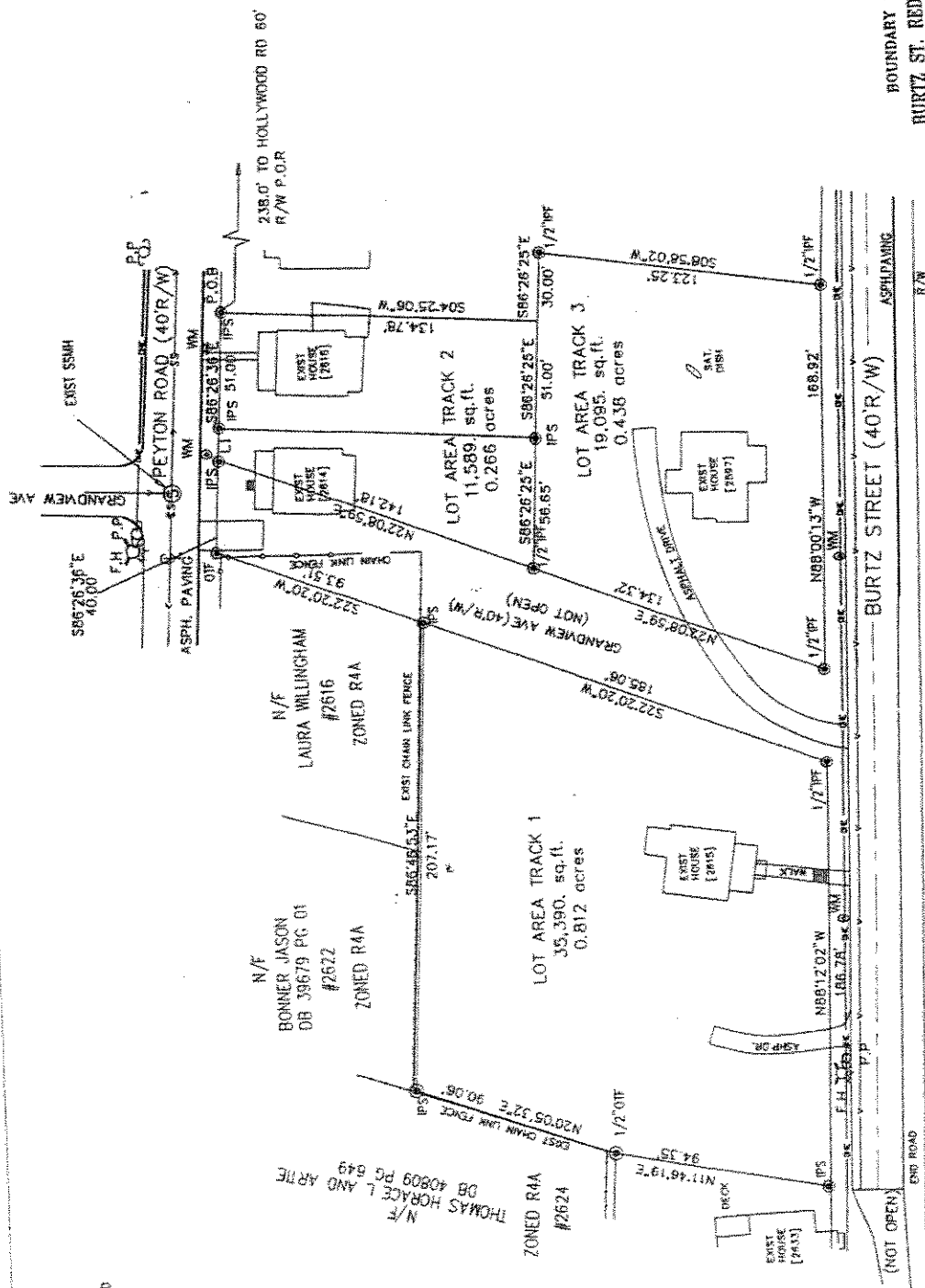
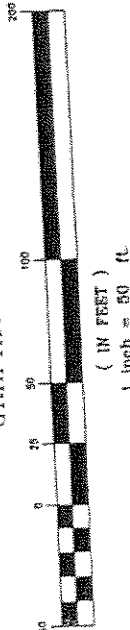
NOTE:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,580 FEET AND AN ANGULAR ERROR OF 50 ONE-THIRDS ANGLE POINT AND WAS ACQUIRED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1: 253,383 FEET

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.



GRAPHIC SCALE



BOUNDARY SURVEY FOR:
BURTZ ST. REDEVELOPMENT
LAND LOT: 252, 17 TH DISTRICT
FULTON COUNTY, GEORGIA
SCALE 1"=50' JUNE 10 2006

HURD PRINCE & ASSOCIATES, INC.
"Consulting Engineers & Surveyors"
110 North Berry Street
Stockbridge, Georgia 30281-3424
Phone (770)4741487 Fax (770)4747487

Part II: Legislative White Paper:

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: AN ORDINANCE
BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON A PORTION OF COOK STREET, N.W. LOCATED BETWEEN MAIN STREET AND THE DEAD END OF COOK STREET CONSISTING OF APPROXIMATELY 0.24683 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 245 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

Council Meeting Date: September 4, 2007

Requesting Dept.: Public Works

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to abandon City of Atlanta Right-of-Way for a private developer.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: WAHAB ALABI

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____ Soraya Belgrave _____

Contact Number: _____ ext. 6002 _____

Originating Department: _____ Public Works _____

Committee(s) of Purview: _____ City Utilities Committee _____

Chief of Staff Deadline: _____ July 9, 2007 _____

Anticipated Committee Meeting Date(s): _____ August 1 and 29, 2007 _____

Anticipated Full Council Date: _____ September 4, 2007 _____

Legislative Counsel's Signature: _____ Terry Grandison _____

Commissioner Signature: _____ David E. Scott, P.E. _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON A PORTION GRANDVIEW AVENUE N.W., LOCATED BETWEEN BURTZ STREET AND PEYTON ROAD. CONSISTING OF APPROXIMATELY .244 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ 7/12/07 _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)